

SENATE BILL No. 134

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-5-7-8.5.

Synopsis: Social host liability. Requires a person at least 21 years of age who knows that a minor is in possession of an alcoholic beverage on the person's property to: (1) prohibit the minor from possessing the alcoholic beverage; (2) confiscate the alcoholic beverage; and (3) immediately contact the minor's parent, guardian, or custodian; unless the alcoholic beverage is possessed in connection with a religious observation, in the presence of the minor's parent, or at a postsecondary educational institution. Makes a violation a Class C infraction, or a Class B infraction if the person knows that six or more minors possessed an alcoholic beverage or if the person has been adjudged to have committed a prior violation. Provides that a person may be charged with a violation not more than one time per day. Specifies that a judgment for a violation is in addition to any criminal penalty that may be imposed for contributing to the delinquency of a minor. (The introduced version of this bill was prepared by the commission on mental health and addiction.)

Effective: July 1, 2013.

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January 4, 2012, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2011 Regular Session of the General Assembly.

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SENATE BILL No. 134



A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 7.1-5-7-8.5 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2013]: **Sec. 8.5. (a) This section does not apply to a minor who**
- 4 **consumes an alcoholic beverage:**
- 5 (1) **in connection with a religious observation;**
- 6 (2) **in the presence of the minor's parent, guardian, or**
- 7 **custodian; or**
- 8 (3) **at a postsecondary educational institution.**
- 9 (b) **A person at least twenty-one (21) years of age who knows**
- 10 **that a minor is in possession of an alcoholic beverage on property**
- 11 **owned, leased, or controlled by the person shall:**
- 12 (1) **prohibit the minor from possessing an alcoholic beverage**
- 13 **on the person's property;**
- 14 (2) **confiscate the alcoholic beverage, if this can be done**
- 15 **without breaching the peace; and**
- 16 (3) **immediately contact the minor's parent, guardian, or**
- 17 **custodian, if possible.**



1 (c) A person who violates subsection (b) commits a Class C
2 **infraction. However, the violation is a Class B infraction if:**
3 (1) the number of minors that the person knows possessed an
4 alcoholic beverage is six (6) or more; or
5 (2) the person has a prior unrelated judgment for a violation
6 of this section.
7 (d) A person may be charged with a violation of this section not
8 more than one (1) time per day.
9 (e) A judgment imposed for a violation of this section is in
10 addition to any criminal penalty that may be imposed for
11 contributing to the delinquency of a minor (IC 35-46-1-8).

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